



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2301034
Applicant Name: Reid Morgan for Nancy Carr
Address of Proposal: 5038 NE Laurelcres Lane

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a two car, detached garage with storage, accessory to an off-site single family residence in an environmentally critical area. Existing detached garage to be removed under project #2203473.

The following approval is required:

Variance - to allow an accessory use and structure on a separate lot from the principal use. SMC Chapter 23.44.040.B.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site & Vicinity Description

The approximately 6,300 square-foot rectangular site is located in a Single-Family Residential 9600 (SF 9600) zone on the northwest side of NE Laurelcres Lane. An existing two car,

terraced garage sits within a steep slope which ascends from NE Laurecrest Lane to unimproved 50th Avenue NE. The 390 square foot garage is the only structure occupying the property. Undersized at 6,300 square feet, the property is non-conforming to current zoning standards for lot size. The subject property's owner resides across the street.

The property at 5038 Laurecrest Lane possesses steep slopes and landslide hazards officially mapped as a designated City of Seattle landslide-prone environmentally critical area (ECA) and a steep slope ECA. Known slides have been documented in the unimproved right-of-way above the property. Along both sides of NE Laurecrest Lane, the zoning comprises SF 9600, primarily consisting of large single-family homes. The site also lies partially within the Urban Residential (UR) Shoreline environment.

NE Laurecrest Lane, once a private lane, became City of Seattle right-of-way after condemnation by Superior Court (Seattle Ordinance #46859), creating circumstances in which owners had separate parcels on either side of the street.

Proposal Description

The application requests a variance for an accessory use and structure on a separate lot from the principal use. Specifically, the variance addresses whether the storage is allowable. The proposal seeks to replace an existing, one-story, two-car, terraced garage with a larger structure housing a two car garage and a storage loft. In addition, a shoring wall, approximately 66.5 feet in length and 21 feet in height would be built behind and to the north of the new structure to protect it from the landslide prone slope. The proposed design shows an outdoor area between the garage and the north portion of the retaining wall. Although it is not designated on the plans, this area, in spite of its rolled curb, could accommodate additional vehicular parking. A third parking space would require another variance application, as it has no historical presence on the site, and would thus expand the non-conforming status.

The proposed garage would be 600 square feet (24 feet by 25 feet) and would replace an existing 390 square foot (19'8" by 20') structure. The height of the new structure would be 19'8", considerably higher than the existing garage. The subject site lies across Laurecrest Lane from the property owner's residence. In the front yard of that site, the owner has an existing car port attached to her residence.

Public Comments

The extended comment period for this project ended on May 14, 2003. DCLU received one letter requesting that the comment period be extended.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

**Variance to allow an accessory use and structure on a separate lot from the principal use.
SMC Chapter 23.44.040.B.**

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

Once the private lane became City of Seattle right-of-way, one lot, in effect, became two. The legal separation of the garage from the principal residence represents not only an unusual circumstance confined to the properties along NE Laurelcrescent Lane, but an inconvenience to the property owners as well. Were the properties viewed as one, the storage loft in the garage would not be an issue. This unusual condition, not created by the property owner results in depriving the property of rights and privileges enjoyed by other properties in the zone; the ability to develop the structures containing an accessory use on the site which it is intended to serve.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

Unlike the other properties on the north side of NE Laurelcrescent Lane, this undersized property is the only parcel that does not meet the size standard for its Single Family 9600 zone. Immediately to the southwest, the neighbors recently merged separate parcels creating a lot in compliance with the zone. This ability to increase the size of the parcel through property acquisition is not an available option.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

It has been established that the site lies within an environmentally critical area. While the retaining wall and the size of the garage appear extensive in terms of the disturbance to the critical area, DCLU will conduct a technical review of the geological hazard areas to determine whether the project represents a potential adverse impact on the environment and to establish safeguards for other properties in the vicinity. This will be reviewed in association with MUP #2203473. In terms of the Land Use Code development standards, the proposal will not be materially detrimental to the public welfare or to improvements in the zone or vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship; or practical difficulties;*

To disallow any type of accessory use or structure on the separate lot would render the site unusable and create undue hardship.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Development of the site for accessory structure is consistent with the spirit and purpose of the Land Use Code.

DECISION - VARIANCE

The proposed variance to allow an accessory use and structure on a separate lot from the principal use is **GRANTED**.

Signature: _____ (signature on file) Date: July 28, 2003
Bruce P. Rips, AICP, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

BPR:vr

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